

CARELLO

time?

A No.

Q Did he attempt to read anything to you?

A No.

Q What makes you say that it looked like he had something that he wanted to read?

A Because he had something in his hand. As I seen him by the front window --

MR. McGOWAN: I believe he also testified he wanted -- didn't he say he wants to read you something --

THE WITNESS: Yes.

MR. McGOWAN: -- and follow him into the room? Which is what he testified to.

THE WITNESS: Exactly.

MR. LOOMBA: Could you read his answer back before counsel interjected.

(Record read.)

Q Which front window are you

CARELLO

referring to in the public lobby?

A The lobby you first walk into the police station.

Q So you are referring when he came the second time?

A Yes.

Q And he was holding something?

A He was holding something in his hand.

Q When you got into the interview room the second time, who spoke first?

A I believe he did.

Q Do you remember what he said?

A He said something along the lines that I don't think you were harassed.

Q Do you recall anything else that he may have said at that point?

A Not at that very point because I had said something along the lines that not only did I feel harassed, but I felt threatened.

Then he said something along the lines that now I'm embellishing my

CARELLO

story, and I said I'm not embellishing my story. I said this is how the events had happened, and I told him, I said and, furthermore, I said how come nobody came to respond to my 911 call when I was out there, and I was pointing out to North Avenue, and he responds by saying don't point your finger at me, and gets out of his chair and violently attacks me.

Q Were you pointing your finger at him?

A No, I was pointing my finger towards the direction of North Avenue where the incident took place.

Q Were you seated at the point when you were pointing your finger --

A Yes.

Q -- or were you standing up?

A I'm sitting down. And Sergeant Rosenbergen is sitting down as well.

Q You said there was a point in time that Sergeant Rosenbergen got up?

A Yes.

Q What was said immediately

CARELLO

before that?

A He said don't point your finger at me, and then came across the corner of the table and took me by my throat out of my seat.

Q Before he got up, do you recall him requesting that you leave the room?

A Not at all. Never.

Q You are a hundred percent sure of that?

A I'm a hundred percent sure.

Q When he got up, can you just describe as best you can how did he actually touch you.

A He just came by and grabbed me by my throat. Very fast. Because I couldn't defend myself, it happened so quickly.

Q Was he using one hand, two hands?

A I don't remember at the time, but it was definitely one hand, at least one hand.

Q Can you indicate where on your

CARELLO

throat that he touched you with his hand?

A By showing you?

Q You have to use words to describe it. It won't come out on the transcript.

A I would show the pictures --

MR. McGOWAN: No, just verbally put on the record as best you can where on your neck.

Q If you want, you can use your hand to position it and I will put on the record --

MR. McGOWAN: Just do your best to verbally describe it.

A As far as I could best describe, I was sitting in the seat across from him. He gets out so quickly, I can't even move, takes me by my throat, I guess hands around my neck, pushed me up against the wall and then lifts me up out of my seat from my chair.

Q So is his hand on the front of your neck, on the side of the neck, on the back of the neck?

CARELLO

A It's in the front, and the  
fingers are on the side.

Q Would you say the tips of his  
fingers are underneath your right ear or  
underneath your left ear?

A Left.

MR. McGOWAN: The tips of his  
four fingers?

MR. LOOMBA: That's right.  
These, index through pinkie.

MR. McGOWAN: I don't think a  
thumb is a finger.

MR. LOOMBA: So stipulated.

Q As he did this, did he say  
anything?

A Immediately -- if he did, I  
don't remember.

Q Were you saying anything?

A No.

Q You say he lifted you up?

A Yes.

Q Did you get to your feet at  
that point?

A Yes.

CARELLO

Q So your weight was supported by  
your feet --

A Yes.

Q -- and your legs?

A Yes.

Q Is that right?

A Uh-huh.

Q Say "yes."

A I said "yes".

Q You said "uh-huh." She can't  
take that one down.

So you are standing up. Is  
Sergeant Rosenbergen still touching you  
at that point?

A Yes.

Q Can you describe how he's  
touching you?

A All I know is he grabs me at  
the back of my neck, from the front to  
the back, and pulls me out of the room by  
my neck and my jacket.

Q Did you have anything on the  
table before this happened, by the way?

A I --

CARELLO

Q For example, your wallet, car keys.

A I had items with me, because I had to go back and get them.

Q So when you went in the room the second time, you are saying, you put items on the table?

A I don't recall if they were on a table or a chair in there, but I had items with me in the room.

Q And you had removed them from your pockets?

A They were never in my pocket.

Q You carried them in there with your hand?

A Yes.

Q And then you placed them down?

A Yes.

Q Now, he moved you outside the room, is that is that your testimony?

A Yes.

Q This is outside of the interview room?

A Outside of the interview room.



CARELLO

lobby.

Q In the interior lobby.

A When he dragged me out of the interview room into the interior lobby into the main area where the window is, there were people in the main area.

MR. McGOWAN: The question was, was there anybody in the interior lobby, that you remember.

A No.

Q How did you move from the interior lobby to the main lobby this second time?

A I was thrown.

Q Can you describe that with anymore detail?

A I was thrown by Sergeant Rosenbergen from the interior lobby into the main lobby.

Q Did he pick you up off the ground? Is that what you are testifying?

A No.

Q So are you saying that he pushed you into the main lobby or are you

CARELLO

saying that he picked you up and --

A I was thrown from my jacket and neck. He was trying to throw me down to the ground but I caught my balance.

Q Was anybody in the position to witness that portion of what you are testifying to?

A Yes.

Q Who would that be?

A I don't know their names. I identified to Lieutenant Fortunato that there were people in the lobby when this incident occurred, and I thought he would do some research and try to find out who they were but I never heard back from him.

Q As far as you could tell, were they in uniform?

A They were not in uniform.

Q Do you believe they were citizens?

A I believe they were citizens. I'm not sure.

Q Did you ever speak to any of

1 CARELLO

2 A No, it wasn't.

3 Q This is your best recollection,  
4 right?

5 MR. McGOWAN: That's the way you  
6 recall it? Then say "yes."

7 A That's the way I recall it.

8 Q Where did you go when you left  
9 the headquarters?

10 A I went outside of the building.

11 Q Did you go anywhere else?

12 A Maybe to my car.

13 Q Where did you drive your car  
14 to?

15 A I didn't drive at that point.

16 Q What did you do when you got to  
17 your car?

18 A I called my brother.

19 Q Which one?

20 A My brother James.

21 Q That's the one who then resided  
22 in New Rochelle?

23 A Yes.

24 Q What did you tell him -- before  
25 I ask that, was he there when you called

CARELLO

him.

MR. MCGOWAN: Did he pick up the  
phone?

MR. LOOMBA: Yes.

A Yes.

Q What did you tell him?

A I told him what had happened to  
me, and he said he was going to come on  
up.

Q What happened after that?

A I called the Police  
Commissioner's office.

Q Did you speak with anybody  
there?

A I spoke to a woman who had told  
me to call back later, and I called back  
later and she said to meet with Sergeant  
Wilson in the lobby, and when I went to  
the lobby Sergeant Wilson wasn't there,  
so I called her again and she said she  
was coming down and she said you will  
meet Lieutenant Masseo, so I met  
Lieutenant Masseo and her in the lobby.

Q What was the name of the woman

CARELLO

Q Did you ever stand up and point your finger in any direction while you were in the interview room the second time?

A Not that I recall.

Q Do you recall Sergeant Rosenbergen asking you to leave the interview room?

MR. McGOWAN: You can answer it again.

A I do not recall that.

Q So skipping back forward, you -- we get to the point where you are with your brother and you are in the lobby, the public lobby of the headquarters, and there is Lieutenant Masseo and this other woman who you think her name is Gina. Is that correct?

A That's correct.

Q What happens at this point?

A Gina walks away and Lieutenant Masseo asks my brother and myself to come into an interview room.

Q And you go into an interview

CARELLO

room?

A Yes.

Q This is a different room or the same room that you were --

A It's a room adjacent to it. It's a different room.

Q Was it large or small or the same size?

A I wouldn't know.

Q What happens when you get inside this other interview room?

A I told Lieutenant Masseo what had happened, from getting pulled over until the incident with Sergeant Rosenbergen.

Q Is there anyone in the room besides you, your brother and Lieutenant Masseo at this time?

A No.

Q What did Lieutenant Masseo say?

A I don't recall.

Q Did your brother say anything during the meeting?

A He may have, I don't recall.

CARELLO

Q Did you fill out a written complaint?

A Yes.

Q When did that occur? When did you --

MR. LOOMBA: Strike that.

Q When did you fill out the written complaint?

A After talking with Lieutenant Masseo.

Q Where were you when you filled out the written complaint?

A I was in the interview room with Lieutenant Masseo and my brother.

Q So it immediately followed your verbal interview with him?

A Yes.

Q When you finished filling out your written complaint, what did you do with it?

A I believe I gave it to Lieutenant Masseo.

MR. LOOMBA: Mark that.

(Defendants' Exhibit B, Civilian

CARELLO

Rosenbergen" and then we are going to  
stop at "nowhere"?

Q Do you see where it says "out  
of nowhere got out of his chair"? Do you  
see that?

A Yes.

Q Just start there and read that  
out loud for the record, if you would.

A "Sergeant Rosenbergen then  
said 'don't you ever point your finger at  
me.'" Then I have in parentheses, "which  
I did as I was sitting in my seat telling  
him how upset I was and how nobody  
responded to my call and out of nowhere  
he got out of his chair."

Q Thank you.

Now this is your handwriting,  
this is the complaint that you made?

A That's correct.

Just so you know --

MR. McGOWAN: Wait for the  
question.

Q There's no pending question.

MR. McGOWAN: We're done with B?



CARELLO

MR. LOOMBA: Yes.

Q After you filled out this complaint you said you gave it to Lieutenant Masseo, is that right?

A Yes.

Q What happened after that?

A I think I had just left at that point after I gave him that.

Q Do you remember where you went?

A Immediately -- I'm not sure.

Q Did you go to a restaurant?

A Later in the day I did, yes.

Q What restaurant was that?

A On The Waterfront.

Q While there did you take any photographs?

A Yes.

Q Who took the photographs?

A It was my brother.

Q Whose camera was it?

A I don't remember if it was his or mine.

Q Do you still have the originals of those photographs?

CARELLO

the D.A.'s office?

A I don't recall.

Q Did you ever exchange anything in writing at the D.A.'s office concerning this incident?

A I don't recall.

Q Did you speak with Lieutenant Fortunata on any other occasion other than the one you testified to?

A I don't recall.

Q I am going to ask a series of questions about your injuries that you are claiming for this incident.

What injuries are you claiming to have suffered as a result of this incident?

MR. MCGOWAN: Physical?

MR. LOOMBA: Yes.

MR. MCGOWAN: Any?

MR. LOOMBA: Any.

Q But just to make it organized, let's start with physical injuries.

A Physically I have a lot of pain in my back, my neck and my head.

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A I don't remember.

Q Besides Dr. Guarino, have you  
seen any other chiropractors?

A Yes.

Q How many other chiropractors  
have you seen?

A I don't recall.

Q Do you remember the names of  
any of them?

A Yes.

Q Tell me those names.

A I remember Dr. Kenneth Trotta.  
That's all I can think of right now.

Q There was another one but you  
can't remember his name?

A There may have been.

Q Where is Dr. Trotta -- is that  
T-R-O-T-T-A?

A Yes.

Q Where is his office?

A He's on Central Avenue in  
Hartsdale.

Q When was the first time that  
you saw Dr. Trotta?

CARELLO

A I don't recall.

Q Was it before January 11, 2006?

A Yes.

Q Approximately, or the best of your recollection, how many times did you see Dr. Trotta before January 11, 2006?

A I don't recall.

Q More than ten?

A I don't recall.

Q More than five?

A I don't recall.

Q What about after January 11, 2006, did you ever go to see Dr. Trotta?

A Yes.

Q Do you remember when after January 11, 2006 you first saw Dr. Trotta?

A I don't recall.

Q Between January 11, 2006 and today, so it's about almost, I guess we're coming on about a year and three-quarters, how many times have you seen Dr. Trotta?

A I don't recall.

CARELLO

Q Besides Dr. Guarino and  
Dr. Trotta, any other chiropractors that  
you went to see?

A Are you talking after  
January --

Q At anytime in your life.

A I don't recall.

Q There may have been but you  
can't remember, is that your testimony?

A I'm saying I don't recall.

Q Is there anything that you  
could refer to to refresh your  
recollection?

A I don't know.

Q When you went to see  
Dr. Guarino, was that covered by health  
insurance through your Beechmont Bus  
Holding or Beechmont Bus Services?

A It either could have been  
through my health insurance or through  
No-Fault policy if it was for an  
accident.

Q What was the health insurance  
company that you received health

CARELLO

insurance from?

A I had two different coverages. One time I had Aetna and one time I had Empire Blue Cross/Blue Shield. When each one went into effect I don't recall.

Q Both of those policies were provided through Beechmont?

A Yes. Either the Bus Service or the holding company.

Q Depending on the dates?

A Depending on the dates.

Q When did that change, by the way?

A 2003.

Q When in 2003?

A December.

Q Do you have a personal physician or a general care provider or something like that?

A Yes.

Q Is that a man or a woman?

A A man.

Q What's his name?

A Martin Engelhardt.

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Q Where is his office?

A Quaker Ridge Road in New Rochelle.

Q Have you seen him in 2007?

A Not in --

MR. McGOWAN: In 2007.

A Not in a professional capacity.

Q You know him socially?

A I seen him at a social -- I seen him at a funeral, at a wake.

Q How about have you seen him for medical services in 2006?

A I recall going to his office and he wasn't in, in 2006. I don't recall if I seen him at all as a patient.

Q Does he have a -- does he have partners that he practices with, so if he wasn't there --

A There's a group of people there.

Q What's the name of the medical group that he practices in?

A I don't recall.

Q When you went there and he

1 CARELLO

2 wasn't there, do you remember the date?

3 Was it after January 11th?

4 A I don't recall.

5 Q Did you see one of the other  
6 doctors in the group when you were there?

7 A I think I just seen the  
8 receptionist. I don't think I seen  
9 anybody when I went.

10 Q What prompted you to go to  
11 Dr. Engelhardt's office in 2006?

12 A It wasn't related to the  
13 incident.

14 Q Have you seen, other than a  
15 chiropractor, did you go to see a doctor  
16 concerning any of the injuries you claim  
17 from the incident?

18 A Did I see a doctor? Besides a  
19 chiropractor being a doctor?

20 Q Putting the chiropractors to  
21 one side. Let's focus on saying medical  
22 doctors.

23 After January 11, 2006, did you  
24 go to see a medical doctor --

25 A I've seen a medical doctor, a



1 CARELLO

2 psychiatrist --

3 Q Excuse me. Let me finish the  
4 question.

5 Did you go to see a medical  
6 doctor concerning any of the injuries you  
7 claim, any of the physical injuries you  
8 claim from the incident of January 11,  
9 2006?

10 A No.

11 Q Did you ever go to an emergency  
12 room for any of the physical injuries you  
13 claim?

14 A No.

15 Q Did you have any X-rays or MRIs  
16 or any other radiological scans  
17 concerning the head, neck and back  
18 injuries that you are claiming from  
19 January 11, 2006?

20 A There may well be. I don't  
21 recall.

22 Q Where would they have been  
23 conducted?

24 A Dr. Trotta's office most  
25 likely.

CARELLO

Q Other than Dr. Trotta's office, you don't remember going to South Shore or anything like that for X-rays or MRIs?

A No.

Q On January 11th, 2006, was Sound Shore within your medical coverage? Was that a hospital that would have been covered if you had a serious accident, if you know?

A I don't know.

Q Besides the neck, back and headaches, any other physical injuries you're claiming from January 11, 2006?

A No.

Q I believe you testified that there's some emotional injuries that you are claiming.

A Yes.

Q What's the nature of those?

A Fear, anxiety, depression.

Q Have you sought treatment for that?

A Yes.

Q When did you --

CARELLO

MR. LOOMBA: Strike that question.

Q Before the incident, have you ever sought treatment for any type of emotional problem of any type?

A No.

Q Have you ever seen a psychologist before swan 11, 2006?

A Not that I recall.

Q Psychiatrist?

A Not that I recall.

Q Who did you seek treatment from?

A Harbour Pointe.

Q Where is that?

A Baltimore, Maryland.

Q What is Harbour Pointe?

A It's an inpatient -- it's an inpatient institution for psychiatry and psychology.

Q Were you admitted there?

A Yes.

Q When was that?

A That was August of this year.

CARELLO

Q What was the day in August?

A I'm not sure.

Q How long were you a patient?

A Five weeks.

Q How many different  
psychiatrists did you see there?

A Psychiatrists?

Q Or any kind of medical or  
mental health provider.

A There are numerous -- I've seen  
different ones different days, so I can't  
put a number on it.

Q Did you have somebody who was,  
say, primarily in charge of your  
treatment?

A I'm trying to think. I'm  
trying to think of the director's name.

(Pause.)

A Mike Osborne.

Q How was it that you were  
admitted to Harbour Pointe?

A I was looking for a place to  
deal with some of my emotions, and it  
looked like it was a good place for me.

CARELLO

Q Did anybody recommend Harbour  
Pointe to you?

A One of my brothers did.

Q Which one?

A Joseph.

Q In your family is there any  
history of psychiatric illness?

A No.

Q Was there any event in your  
life that prompted you to seek out a kind  
of inpatient facility for psychiatric  
care?

MR. McGOWAN: I don't know, and  
I don't know that you know, that it's  
an inpatient facility for psychiatric  
care.

I'm just going to object to  
that, but answer the question.

A Repeat the question.

MR. McGOWAN: Let's have it read  
back.

(Record read.)

A I am going to have to say that  
the January 11, 2006 event was one of the

1 CARELLO

2 participating factors.

3 Q What were the other  
4 participating factors?

5 A A divorce.

6 Q When were you divorced?

7 A 2003.

8 Q And when were you married?

9 A 1997.

10 Q Did you have any children?

11 A No.

12 Q Out of that marriage do you  
13 have any children?

14 A No.

15 Q Are there any other factors  
16 besides your 2003 divorce and the January  
17 11, 2006 incident that you would describe  
18 a contributing factor to you seeking  
19 treatment at Harbour Pointe?

20 A Probably numerous. Those two  
21 are definitely up there on the list.

22 Q Well, can you list any other?  
23 You said there are numerous, but can you  
24 specify?

25 A I would say the way I was

CARELLO

dealing with my daily activities.

Q Did you ever have a substance abuse problem, alcohol and drugs?

A No.

Q What do you mean by the way you were dealing with your daily activities?

A A person who retired young with a lot of time on his hands.

Q Did your divorce in 2003 have anything to do with the transfer of that business from the Bus Services to the Bus Holding?

A No. It's just coincidental.

Q A couple more questions.

Steven Ferrara, who is that?

A Stefan Ferrara.

Q Sorry. Stefan, S-T-E-F-A-N?

A Yes.

Q Who is that?

A That's a friend of mine.

Q Where does he live?

A He lives in Mount Vernon, like 9 Pearsall Drive.

Q What's his telephone number?

CARELLO

Q Ann Freeman I believe you mentioned is your sister.

A Yes.

Q Is she the one that lives in New Rochelle?

A Yes.

Q What's her address?

A She's on Cole Terrace.

Q C-O-L-T?

A C-O-L-E.

Q C-O-L-E. Okay.

What information does she have about the case?

A Pretty much what I told her.

MR. McGOWAN: Can we go off the record.

(Discussion off the record.)

Q In connection with your treatment at Harbour Pointe, was there -- were you admitted there because of an attempted suicide?

A No.

Q Did they prescribe to you any medication when you were there at Harbour



CARELLO

Pointe?

A No.

Q Are you taking any medication currently?

A No.

Q Have you ever taken psychiatric medication?

A No.

Q Prozac or Lip -- not Lipitor. Anything like that, any antidepressants?

A Nothing like that.

Q How was your treatment at Harbour Pointe paid for?

A It was paid for independently.

Q That was not covered by any --

A Not covered by health insurance.

Q How much was it?

A 18,000.

Q And have you paid that in full or is there still a balance due?

A It's paid in full.

Q You were there for five weeks you said?

CARELLO

initiative, was there anyone else who played a role in the decision to place you under care at Harbour Pointe?

A Nobody places you under care. You volunteer.

MR. McGOWAN: Just is there anybody else involved? Or did you just do this completely on your own?

A Just family members, that's it. We discussed it.

Q Which family members?

A My entire family.

Q Did you see or seek psychiatric or psychological care more locally before you decided to go to Baltimore, to Harbour Pointe in Baltimore?

A Yes.

Q Where did you go?

A I didn't go. I seeked it in the phone book, but -- the phone book, and also my provider book for my health insurance, but I didn't like -- I didn't like the fact that there was no place to go to get away. It was all pretty much

CARELLO

in an office. It wasn't an inpatient program close by.

Q Did you ever actually meet with a psychologist or psychiatrist in the local area?

A Besides the person who I sold my house to, no.

Q When you say your house, you mean --

A The one in Scarsdale.

Q What's the name of that person?

A Edbert Tan.

But I didn't see him on a professional level. He's just a psychologist that just happened to buy my house.

Q Did you ever -- spell his name, please.

A E-D-B-E-R-T.

Q And his last name?

A T-A-N.

Q Did you ever talk to him about the incident?

A No.

CARELLO

Q Do you see in the upper right where it says "Verified Complaint"?

A Yes.

Q Have you seen this before?

A I believe I have.

Q Go to the very, very last page of the exhibit.

That's your signature there?

A Yes.

Q Are the factual allegations in the Complaint that begin at paragraph 6, are they accurate?

(Pause.)

MR. McGOWAN: Take your time and read through it.

THE WITNESS: I'm going to read through it.

Q Take your time.

(Pause.)

A It's accurate, yes.

Q I just turn your attention to paragraph 12.

A Uh-huh.

Q It says "Upon information and

CARELLO

belief, Defendants, the City of New Rochelle and the New Rochelle Police Department, authorized, tolerated and ratified the misconduct of Defendant Rosenbergen herein detailed by (a) failing to properly discipline, restrict and control employees."

Did I read that correctly so far?

A Yes.

Q Do you have any information concerning the allegation that there was a failure to discipline, restrict and control employees?

A Say the question again, please.

MR. LOOMBA: Could you read that back.

(Record read.)

A Yes.

Q What information do you have?

A The information I had given in my testimony.

Q This is concerning Sergeant Rosenbergen?

1 CARELLO

2 A Yes.

3 Q Besides that, is there any  
4 other information that you possess?

5 (Pause.)

6 A Do you mind if I take a  
7 bathroom break?

8 Q Not at all.

9 (Recess taken.)

10 MR. LOOMBA: Can you read the  
11 last question and the answer before  
12 that just to give him context.

13 (Record read.)

14 A Other than my testimony, no.

15 Q Subsection (b) of paragraph 12,  
16 "Failing to take adequate precautions in  
17 the hiring, training, retention and  
18 promotion of employees."

19 Other than with regard to the  
20 testimony you've given today concerning  
21 then Sergeant Rosenberg --

22 MR. LOOMBA: And, for the  
23 record, he's currently Lieutenant  
24 Rosenberg.

25 Q -- what information do you

CARELLO

possess about hiring, training, retention  
and promotion?

A Nothing.

Q (c), "Failing to forward the  
District Attorney's Office of  
Westchester --

MR. LOOMBA: Strike that.

Q "Failing to forward to the  
District Attorney's Office of Westchester  
evidence in connection with criminal acts  
of employees."

What information do you have  
about that allegation?

A Other than my testimony, none.

Q Was -- is there specific  
evidence that you are referring to in  
connection with Sergeant Rosenbergen in  
this part of the -- of paragraph 12?

A Repeat the question.

Q I'm just trying to understand  
this allegation. You are saying "failing  
to forward to the District Attorney's  
Office of Westchester evidence in  
connection with the criminal acts of

CARELLO

employees."

The criminal act is the one that you are alleging that Sergeant Rosenbergen made, or is there some other criminal act?

A That's what I would be referring to in my testimony.

Q Everything concerning Sergeant Rosenbergen, is that right?

A That is correct.

Q And then the second part of subparagraph (c) is "And failing to establish a meaningful departmental system for dealing with complaints of police misconduct."

Can you elaborate on that?

A I would refer to my testimony.

Q Okay. That's fine.

Have you signed any authorizations for the release of any medical records in connection with this case?

A Yes.

MR. LOOMBA: Have you provided



CARELLO

Exhibit D, please.

(Pause.)

A Okay.

Q Have you seen this document before?

A I don't recall it.

Q In connection with the tickets that you received on January 11, 2006, did you plead guilty?

A I plea bargained.

Q When did that happen?

A I don't know if this is the date on here or not. I can't recall the date.

Q Were you represented by an attorney when you did that?

A No.

Q This indicates there was plea on July 21, 2006. Is that consistent with your recollection of when you pled guilty?

MR. MCGOWAN: When he reached a plea.

A It looks accurate.

CARELLO

Q And it says on this document that you pled guilty to the speeding ticket. Is that right?

A I believe I pleaded guilty to the speeding ticket and it lists other tickets.

MR. McGOWAN: What's the date on that? July 21?

MR. LOOMBA: 2006.

MR. McGOWAN: Thank you.

Q Now, besides the \$18,000 that's the treatment cost at Harbour Pointe, are there any other expenses that you claim as damages in this case?

MR. McGOWAN: Just so you know what counsel means, he means out-of-pocket expenses.

Is that correct?

MR. LOOMBA: That's right.

MR. McGOWAN: Money that came out of your pocket.

A I'm sure that there are, but how much, I don't recall.

Q Are you claiming any attorney's

1  
2 second, if you would.

3 (Pause.)

4 MR. McGOWAN: Thanks.

5 (Time noted: 1:24 p.m.)

6  
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8 -----  
9 JOHN CARELLO

10  
11 Subscribed and sworn to before me  
12 this \_\_\_\_ day of \_\_\_\_\_, 2007  
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## C E R T I F I C A T I O N

I, Reva Weiss, a Notary Public within  
and for the state of New York, do hereby  
certify that the foregoing witness,  
JOHN CARELLO, was duly sworn on the date  
indicated, and that the foregoing is a  
true and accurate transcription of my  
stenographic notes.

I further certify that I am not  
employed by nor related to any party to  
this action.

A handwritten signature in cursive script, reading "Reva Weiss", is written over a horizontal line.

REVA WEISS

## E X H I B I T S

## DEFENDANTS'

NO.	DESCRIPTION	PAGE
A	Notice Of Claim	16
B	Civilian Complaint Form	78
C	Summons and Complaint	124
D	Certificate Of Disposition	130

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